

§ 52.2078

40 CFR Ch. I (7–1–00 Edition)

¹ Sources subject to plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2076 (1978).

[50 FR 52461, Dec. 24, 1985]

§ 52.2078 Enforcement.

(a) Sections 23–25–5(h) and 23–25–8(a) of the General Laws of Rhode Island are disapproved insofar as they permit the Rhode Island Director of the Department of Health to issue abatement orders (1) that defer compliance with plan requirements beyond the dates required for attainment of the national standards, (2) without the approval of the Administrator, and (3) for reasons not permitted by the Clean Air Act.

(b) Regulation limiting administrative abatement orders. (1) No order deferring compliance with a requirement of the Rhode Island Implementation Plan shall be issued by the Director of the Department of Health which does not meet the following requirements:

(i) An order must require compliance with the plan requirement within the times and under the conditions specified in § 51.261 (a) and (b) of this chapter.

(ii) An order may not defer compliance beyond the last date permitted by section 110 of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in section 110(f) of the Act are met.

(iii) An order shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.104, 51.105, 51.261 and 51.262(a).

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, an order may be granted which provides for compliance beyond the statutory attainment date for a national standards where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such order may not defer compliance for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

[38 FR 18879, 18880, July 16, 1973, as amended at 38 FR 30878, Nov. 8, 1973; 51 FR 40675, 40676, 40677, Nov. 7, 1986]

§ 52.2079 Requirements for state implementation plan revisions relating to new motor vehicles.

Rhode Island must comply with the requirements of § 51.120.

[60 FR 4738, Jan. 24, 1995]

§ 52.2080 Revisions.

(a) The revision procedures of the Rhode Island plan are not adequate since the plan does not expressly provide for revisions at the times and under the conditions set forth in § 51.104 of this chapter.

(b) Regulation for plan revisions. (1) The Rhode Island implementation plan shall be revised:

(i) When necessary to take account of a revision of the national primary or secondary ambient air quality standard which it implements;

(ii) When improved or more expeditious methods of attaining a national standard which it implements become available;

(iii) When the Administrator finds that the plan is substantially inadequate to attain or maintain the national standard which it implements and issues notice of such finding pursuant to § 51.104 of this chapter.

(2) The Rhode Island implementation plan may be revised from time to time to the extent such revisions are consistent with the requirements applicable to implementation plans set forth in this chapter and the Act.

(3) No revisions shall be effective until the hearing requirements of § 51.102 of this chapter have been satisfied.

[38 FR 18879, 18880, July 16, 1973, as amended at 38 FR 30878, Nov. 8, 1973; 51 FR 40675, Nov. 7, 1986]

§ 52.2081 EPA-approved EPA Rhode Island State regulations.

The following table identifies the State regulations which have been approved by EPA and incorporated by reference into the Rhode Island State Implementation Plan. This table is for informational purposes only and does not

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have any independent regulatory re- the extent that this table conflicts
quirements for a specific situation con- with § 52.2070, § 52.2070 governs.
sult the plan identified in § 52.2070. To

TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS

State ci- tation	Title/subject	Date adopt- ed by State	Date ap- proved by EPA	FR citation	52.2070	Comments/Unapproved sections
	Air pollution control regu- lation.					
No. 1	Visible emissions	8/02/67	5/31/72	37 FR 10842	(b)	
		2/28/72	5/31/72	37 FR 10842	(b)	
		2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
No. 2	Handfiring of soft coal	8/02/67	5/31/72	37 FR 10842	(b)	
		2/28/72	5/31/72	37 FR 10842	(b)	
		2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
No. 3	Particulate emissions from industrial processes.	8/02/67	5/31/72	37 FR 10842	(b)	
		2/28/72	5/31/72	37 FR 10842	(b)	
		2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
No. 4	Open fires	8/02/67	5/31/72	37 FR 10842	(b)	
		10/01/71	5/31/72	37 FR 10842	(b)	
		2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
No. 5	Fugitive dust	8/02/67	5/31/72	37 FR 10842	(b)	
		2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
No. 6	Opacity monitors	8/02/67	5/31/72	37 FR 10842	(b)	
		2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
		11/22/89	9/30/91	56 FR 49416	(c)(37) ..	Amended Regulation No. 6.
No. 7	Emission of air contami- nants detrimental to persons or property.	8/02/67	5/31/72	37 FR 10842	(b)	
		7/19/77	5/07/81	46 FR 25446	(c)(12) ..	
No. 8	Sulfur content of fuels	10/01/71	5/31/72	37 FR 10842	(b)	
		5/28/74	11/03/75	40 FR 51044	(c)(8)	
		.....	1/21/81	46 FR 5980	(c)(13) ..	Narragansett Electric Bub- ble.
		2/22/77	5/07/81	46 FR 25446	(c)(12) ..	

TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS—Continued

State citation	Title/subject	Date adopted by State	Date approved by EPA	FR citation	52.2070	Comments/Unapproved sections
		.....	12/30/81	46 FR 63043	(c)(14) ..	Temporary Relaxation for Bradford Dye.
		.....	11/10/82	47 FR 50866	(c)(16) ..	Temporary Relaxation for Kenyon Piece Dye Works.
		10/05/82	3/29/83	48 FR 13027	(c)(17) ..	Conversion/Conservation Incentive/Bubble.
		5/15/84	49 FR 20493	(c)(21)	URI Bubble..	
		8/29/83	7/27/84	49 FR 30177	(c)(23) ..	Narragansett Electric (South Street).
		5/02/85	1/8/86	51 FR 756	(c)(24) ..	Requires sampling valve.
		12/16/85	8/1/86	51 FR 27538	(c)(25) ..	Temporary relaxation for Seville Dyeing Corporation in Woon-socket.
		3/17/87	9/19/89	54 FR 38518	(c)(34) ..	URI bubble renewal.
No. 9	Approval to construct, modify or operate.	10/03/71	5/31/72	37 FR 10842	(b)	
		2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
		4/12/81	5/07/81	46 FR 25446	(c)(12) ..	No action on 9.2.3(b) and 9.12.
		4/05/82	6/28/83	48 FR 29690	(c)(18) ..	NSR fully approved, 9.12 Emission Banking approved.
		2/13/84	7/6/84	49 FR 27749	(c)(22) ..	PSD fully approved, 9.2.3(b) approved.
		5/02/85	1/8/86	51 FR 756	(c)(24) ..	Additional BACT requirements.
		5/20/91	10/7/91	56 FR 50516	(c)(38) ..	Addition of PSD NO ₂ increments.
		3/4/93	2/6/96	61 FR 4356	(c)(41) ..	Addition of NSR and other CAAA requirements under Amended Regulation No. 9 except for Chapters 9.13, 9.14, 9.15, and Appendix A.
	Air Pollution Control Permits.	7/30/96	6/2/99	64 FR 29566	(c)(54) ..	5
	Air Pollution Control Permits.	7/30/96	6/2/99	64 FR 29563	(c)(54) ..	Changes in 9.1.7, 9.1.18, and 9.5.1(c) to add Dual Source Definition. Changes in 9.1.24(b)(3), 9.5.2(b)(2)d(i), 9.5.1(d) and 9.5.1(f) to change Particulate Increment. Changes in 9.1.6 to revise BACT definition.

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TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS—Continued

State citation	Title/subject	Date adopted by State	Date approved by EPA	FR citation	52.2070	Comments/Unapproved sections
No. 10 ...	Air pollution episodes	2/28/72	5/31/72	37 FR 10842	(b)	
		10/11/75	11/03/75	40 FR 51043	(c)(6) ...	
		2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
No. 11 ...	Petroleum liquids marketing and storage.	2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
		7/05/79	5/07/81	46 FR 25446	(c)(12) ..	
		4/22/81	4/26/82	47 FR 17817	(c)(15) ..	
		1/20/87	9/1/87	52 FR 32920	(c)(30) ..	Amended Regulation No. 11, Subsection 11.4.5.
		11/07/88, 04/24/89	6/2/89	54 FR 23661	(c)(33) ..	Approves a limitation on volatility of gasoline from June 30 to Sept. 15, 1989, and May 1 to Sept. 15 in subsequent years at Subsections 11.7.1 and 11.7.2.
		12/10/89	9/30/91	56 FR 49416	(c)(37) ..	Amended Regulation No. 11.
		1/11/93	12/17/93	58 FR 65933	(c)(39) ..	Regulation revised to add new Stage II vapor recovery requirements.
No. 12 ...	Incinerators	2/28/72	6/22/73	38 FR 16351	(c)(3)	
		2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
		4/22/81	4/26/82	47 FR 17817	(c)(15) ..	
No. 13 ...	Particulate emissions from fossil fuel fired steam or hot water generating units.	1/17/73	10/23/73	38 FR 29296	(c)(14) ..	
		2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
		7/05/79	5/07/81	46 FR 25446	(c)(12) ..	
		.....	11/10/82	47 FR 50866	(c)(16) ..	Temporary Relaxation for Kenyon Piece Dye Works.
		10/05/82	3/29/83	48 FR 13027	(c)(17) ..	Conversion/Conservation Incentive.
No. 14 ...	Record keeping and reporting.	5/14/73	1/15/76	41 FR 2231	(c)(10) ..	
		2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
		7/05/79	5/07/81	46 FR 25446	(c)(12) ..	
		1/11/93	1/10/95	60 FR 2526	(c)(42) ..	

TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS—Continued

State citation	Title/subject	Date adopted by State	Date approved by EPA	FR citation	52.2070	Comments/Unapproved sections
No. 15 ...	Control of organic solvent emissions.	8/21/75	5/07/81	46 FR 25446	(c)(12) ..	
		3/14/83	7/06/83	48 FR 31026	(c)(19) ..	Includes 100 TPY RACT Reg/Generic Bubble Rule.
		6/6/85	12/11/86	51 FR 44605	(c)(27) ..	RACT for Stanley Bostitch under 15.5.
		11/24/87	3/10/89	54 FR 10147	(c)(32) ..	Consent Agreement imposing RACT on Tech Industries under 15.5 (Provisions 7 and 8 not approved).
		6/5/90	8/31/90	55 FR 35625	(c)(36) ..	RACT determination for Tillotson-Pearson under 15.5.
		4/24/90	9/6/90	55 FR 36638	(c)(35) ..	RACT determination/Bubble for Providence Metallizing under 15.5.
		12/10/89	9/30/91	56 FR 49416	(c)(37) ..	Amended Regulation No. 15, except subsections 15.1.16 and 15.2.2.
No. 16 ...	Operation of air pollution control system.	2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
No. 17 ...	Odors	2/22/77	5/07/81	46 FR 25446	(c)(12) ..	
No. 18 ...	Control of emissions from solvent metal cleaning.	7/5/79	5/07/81	46 FR 25446	(c)(12) ..	
		4/22/81	4/26/82	47 FR 17817	(c)(15) ..	
		12/10/89	9/30/91	56 FR 49416	(c)(37) ..	Amended Regulation No. 18, except subsections 18.1.8, 18.2.1, 18.3.2(d), 18.3.3(f), and 18.5.2.
No. 19 ...	Control of VOCs from surface coating operations.	11/13/79	5/07/81	46 FR 25446	(c)(12) ..	Conditional approval.
		4/05/82	7/06/83	48 FR 31026	(c)(19) ..	Removes Conditions/Generic Bubble Rule.
		9/12/85	8/31/87	52 FR 32794	(c)(28) ..	Compliance date extension for Keene Corporation under 19.3.
		1/20/87	9/1/87	52 FR 32920	(c)(30) ..	Amended Regulation No. 19, Subsection 19.7.1.
		5/29/85	9/28/87	52 FR 36250	(c)(26) ..	Compliance date extension for James River Corp. in Johnston.

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State citation	Title/subject	Date adopted by State	Date approved by EPA	FR citation	52.2070	Comments/Unapproved sections
		12/31/86	2/10/88	53 FR 3890	(c)(29) ..	Alternative RACT for Kenyon Industries under 19.3.3.
		12/10/89	9/30/91	56 FR 49416	(c)(37) ..	Amended Regulation No. 19, except subsections 19.1.11, 19.2.2, and 19.3.2(a).
		10/30/92	10/18/94	59 FR 52429	(c)(40) ..	All of No. 19 is approved with the exception of 19.2.2, and the last sentence of 19.1.1, which Rhode Island did not submit as part of the SIP revision. No. 19 was amended to change applicability and to add emission limitations for metal coil coating, metal furniture coating, magnet wire coating, large appliance coating, miscellaneous metal parts coating, wood products coating, and flat wood paneling coating.
No. 21 ...	Control of VOCs from printing operations.	4/05/82	7/06/83	48 FR 31026	(c)(19) ..	Generic Bubble Rule.
		1/20/87	9/1/87	52 FR 32920	(c)(30) ..	Amended Regulation No. 21, subsection 21.6.1.
		12/10/89	9/30/91	56 FR 49416	(c)(37) ..	Amended Regulation No. 21, except subsections 21.1.15 and 21.2.2, and portion of 21.5.2(h) which states "equivalent to" in the parenthetical.
No. 25 ...	Control of Volatile Organic Compound Emissions from Cutback and Emulsified Asphalt.	10/30/92	10/18/94	59 FR 52429	(c)(40) ..	All of No. 25 is approved, with the exception of 25.2.2, which was not submitted by Rhode Island as part of the SIP revision.
No. 26 ...	Control of Organic Solvent Emissions from Manufacture of Synthesized Pharmaceutical Products.	10/30/92	10/18/94	59 FR 52429	(c)(40) ..	All of No. 26 is approved, with the exception of 26.2.3, which was not submitted by Rhode Island as part of the SIP revision.
No. 27 ...	Control of Nitrogen Oxides Emissions.	9/2/97	6/2/99	64 FR 29570	(c)(55) ..	Establishes alternative NOx RACT for Rhode Island Economic Development Corporation in North Kingstown, RI.
No. 29.3	EMISSIONS	4/28/95	3/22/96	61 FR 11735	(c)(45) ..	This rule limits a source's potential to emit, therefore avoiding RACT, title V operating permits.

TABLE 52.2081—EPA-APPROVED RULES AND REGULATIONS—Continued

State citation	Title/subject	Date adopted by State	Date approved by EPA	FR citation	52.2070	Comments/Unapproved sections
No. 30 ...	Control of VOC from Automobile Refinishing Operations.	6/27/95	2/2/96	61 FR 3827	(c)(44) ..	Control of VOC From Automobile Refinishing Operations.
No. 31 ...	Consumer and Commercial Products.	3/11/94	10/30/96	61 FR 55903	(c)(47) ..	VOC control reg. submitted as part of State's Contingency Plan. Section 31.2.2 not approved.
No. 32 ...	Marine Vessels	3/11/94	4/4/96	60 FR 14978	(c)(43) ..	All of No. 32 is approved with the exception of Section 32.2.2 which Rhode Island did not submit as part of the SIP revision.
No. 33 ...	Architectural and Industrial Maintenance Coatings.	3/11/94	10/30/96	61 FR 55903	(c)(47) ..	VOC control reg. submitted as part of State's Contingency Plan Section 33.2.2 not approved.
No. 38 ...	Nitrogen Oxides Allowance Program.	5/21/98	6/2/99	64 FR 29570	(c)(55) ..	Adds ozone season NOx emission limitations at certain stationary sources.

[50 FR 770, Jan. 7, 1985, as amended at 51 FR 756, Jan. 8, 1986; 51 FR 27538, Aug. 1, 1986; 51 FR 44605, Dec. 11, 1986; 52 FR 32794, Aug. 31, 1987; 52 FR 32920, Sept. 1, 1987; 52 FR 36250, Sept. 28, 1987; 53 FR 3890, Feb. 10, 1988; 54 FR 10147, Mar. 10, 1989; 54 FR 23661, June 2, 1989; 54 FR 38518, Sept. 19, 1989; 55 FR 35625, Aug. 31, 1990; 55 FR 36638, Sept. 6, 1990; 56 FR 49416, Sept. 30, 1991; 56 FR 50515, Oct. 7, 1991; 58 FR 65933, Dec. 17, 1993; 59 FR 52429, Oct. 18, 1994; 60 FR 2526, Jan. 10, 1995; 61 FR 3827, Feb. 2, 1996; 61 FR 4357, Feb. 6, 1996; 61 FR 11735, Mar. 22, 1996; 61 FR 14978, Apr. 4, 1996; 61 FR 55903, Oct. 30, 1996; 62 FR 46207, Sept. 2, 1997; 64 FR 29566, 29570, June 2 1999; 64 FR 61217, Nov. 10, 1999]

§ 52.2082 [Reserved]

§ 52.2083 Significant deterioration of air quality.

(a) The Rhode Island plan, as submitted, is approved as meeting the requirements of Subpart 1, Part C, Title I, of the Clean Air Act.

[49 FR 27750, July 6, 1984]

§ 52.2084 Rules and regulations.

(a) Part D—Disapproval.

(1) On November 5, 1985, the Rhode Island Department of Environmental Management submitted a revision to the Rhode Island State Implementation Plan (SIP) for Arkwright Incorporated. This revision is an alternative reasonably available control technology determination for the control of volatile organic compounds (VOC) from

three paper coating lines at Arkwright Incorporated's Fiskeville, Rhode Island facility. As a result of EPA's disapproval of this revision, the existing VOC rules applicable to Arkwright Incorporated and contained in the Rhode Island SIP remain in effect (Rhode Island Air Pollution Control Regulation No. 19 as approved by EPA in 40 CFR 52.2080(c)(19)).

(2) [Reserved]

(b) *Non-Part D—No Action*— EPA is neither approving nor disapproving the following elements of the revisions:

(i) [Reserved]

(ii) Consultation.

(iii) Permit fees.

(iv) Stack height requirements.